

RESOLUTION NO. 14-030

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT NO.
ZA14-0008 TO EXTEND THE INOPERATIVE DATE FROM JUNE 16, 2014 TO JUNE
16, 2016 FOR THE RE-ESTABLISHMENT OF DISCONTINUED NON-CONFORMING
USES WITHIN THE MIDTOWN AND TRANSIT AREA SPECIFIC PLAN AREAS**

WHEREAS, the City Council adopted Ordinance No. 38.793 on May 17, 2011 amending the Milpitas Zoning Code to create a re-establishment process for discontinued non-conforming uses within the Midtown and Transit Specific Plan Areas; and

WHEREAS, the provision in the Milpitas Zoning Code for re-establishment of discontinued non-conforming uses within the Midtown and Transit Specific Plan Areas became inoperative on June 16, 2014; and

WHEREAS, on May 20, 2014, an application was submitted by Michael Fletcher on behalf of Centerpointe Associates to extend the inoperative date from June 16, 2014 to June 16, 2016 for the re-establishment of discontinued non-conforming uses within the Midtown and Transit Area Specific Plan areas; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA; and

WHEREAS, on July 23, 2014 the Planning Commission continued the item to August 13, 2014.

WHEREAS, on August 13, 2014 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2: The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment because the amendment only extends the date for which discontinued non-conforming uses may be re-established. Any

redevelopment of the project site will require full and complete environmental review under CEQA.

Section 3: Zoning Amendment (Section XI-10-57.02(G)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA14-0008:

1. The proposed amendment is consistent with the General Plan.

The amendment is consistent with the General Plan because it allows the continuation of economic pursuits to strengthen and promote stability and balance in the Specific Plan areas. It's consistent with the following General Plan policies:

- Land Use Policy 2.a-I-3 - Encourage economic pursuits which will strengthen and promote development through stability and balance.
- Land Use Policy 2.a-I-4 - Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed toward the advantages of the City's location to both industrial and commercial use.
- Land Use Policy 2.a-I-5 - Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.

2. The proposed amendment will not adversely affect the public health, safety and welfare.

The amendment is consistent with this finding because it extends the inoperative date to re-establish a discontinued non-conforming use from July 14, 2016 to July 16, 2016, but, in order to re-establish discontinued uses certain findings are still required under Milpitas Zoning Code Section XI-10-56.03.B.2. Those findings ensure land use compatibility and the re-establishment of uses will not adversely affect the public health, safety and welfare of the community.

Section 4: The Planning Commission of the City of Milpitas recommend the City Council adopts Resolution No. 14-030 approving Zoning Amendment No. ZA14-0008 to extend the inoperative date from June 16, 2014 to June 16, 2016 for the re-establishment of discontinued non-conforming uses within the Midtown and Transit Area Specific Plan areas based on the above Findings.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 13, 2014.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 13, 2014 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Demetress Morris				
Gurdev Sandhu				
Garry Barbadillo				
Hon Lien (alternate)				